

## **MICHIGAN COMMISSION ON SERVICES TO THE AGING**

Holiday Inn West Conference Center

7501 W. Saginaw Hwy, Lansing

February 17, 2006

### **CALL TO ORDER**

Chairperson Kennedy called the meeting to order at 10:00 a.m.

Chairperson Kennedy led the Pledge of Allegiance. Chairperson Kennedy reinforced the purpose and primary role of the Commission.

### **ROLL CALL**

The roll call was taken and a quorum was present.

### **GATEKEEPER OF THE YEAR AWARD**

Chairperson Kennedy stated that since 1987 Consumers Energy has sponsored the Gatekeeper program. Chairperson Kennedy stated the Commission on Services to the Aging was pleased to have Consumers Energy present today to help honor Mr. Dale Forsyth, recipient of the 2005 Gatekeeper of the Year award. Chairperson Kennedy stated that Mr. Forsyth went above and beyond his call of duty more than once to help seniors in need over the past year. Chairperson Kennedy also noted that in 2002 Mr. Forsyth received the Gatekeeper of the Year award.

Chairperson Kennedy stated that each month OSA selects one Consumers Energy employee as Gatekeeper of the month based on nominations received by the company. One of the monthly winners is then honored as Gatekeeper of the Year. Chairperson Kennedy also stated the partnership with Consumers Energy has extended beyond OSA to area agencies and service providers. Chairperson Kennedy thanked Consumers Energy on behalf of the Commission on Services to the Aging for their commitment to the Gatekeeper Program.

Chairperson Kennedy introduced Susan Swan, Vice-President, Customer Operations Department. Ms. Swan introduced the Consumer Energy employees present and gave a brief history of what earned Mr. Forsyth the 2005 Gatekeeper of the Year award. Chairperson Kennedy presented Mr. Forsyth with a letter from the Governor, along with a certificate of appreciation. Director Gire presented Mr. Forsyth with a plaque for his outstanding performance, commitment, and dedication for his work in making a difference in the lives of Michigan seniors.

### **COMMISSION MEMBERS PRESENT**

Jerutha Kennedy, Cheryl Bollinger, Herman Dooha, Rose Gill, Sonia Harb, Annette Guilfoyle, Ramesh Verma, William Walters, IV, and Janice Wilson,

### **COMMISSION MEMBERS ABSENT (Excused)**

Owen Bieber, Chun-Keung Leung, Albert Lewis, Thomas Rau, Alberta Wilburn, James Wright

### **OSA STAFF PRESENT**

Sharon Gire, Cindy Albrecht, Eric Berke, Karen Carroll, Bonnie Graham, Wendi Middleton, Cherie Mollison

### **VISITORS/GUEST PRESENT**

Maggie Jenson, Dee Scott, Consumer Energy staff, Dale Forsyth and wife Linda, Susan C. Swan, Robert R. Roh, Helen L. Rusk, Debra D. Harmon, Monica Frant, Leslie Hunter, Anne E. Noble, Harry Sabourin, Amy Tripp

### **APPROVAL OF AGENDA**

Commissioner Verma made the motion to approve the agenda. The motion was seconded by Commissioner Wilson and approved unanimously by voice vote.

### **APPROVAL OF COMMISSION MINUTES**

Commissioner Bollinger made the motion to approve the minutes from January 20, 2006. The motion was seconded by Commissioner Walters and approved unanimously by voice vote.

### **INFORMATION FROM INDIVIDUALS CONCERNING AGENDA ITEMS**

None

### **OSA DIRECTOR'S REPORT**

Director Gire welcomed everyone to the meeting and reiterated Commissioner Kennedy's comments about the Gatekeeper of the Year award and program. The following is Director Gire's updates:

#### **Meetings:**

- Director Gire addressed a group at a Consumer Protection Seminar in Dearborn on February 9 regarding issues of mail fraud. Director Gire stated that February 5-9 was National Consumer Protection week. Director Gire informed the Commission that OSA works closely with the Postal Inspector on all types of mail fraud that target seniors.
- The Elder Abuse Task Force met on February 2, 2006. The meeting focused on issues of physical abuse and neglect, parallels between the domestic violence movement and older adult domestic violence. Director Gire also stated that Michigan's Adult Abuse and Neglect Prevention training grant is designed to train 11,000 direct care workers on elder abuse. At the Elder Abuse Task Force meeting a presentation was given on the role of the medical examiner in elder abuse cases.

Director Gire noted that the Elder Abuse Task Force is finalizing its work and drafting its recommendations for the Governor, which are due by May 31 of this year. Director Gire noted that she is looking forward to a future Commission meeting where the Elder Abuse Task Force can highlight all of the work that has been done to address the issue of elder abuse. Director Gire thanked Commissioner Rau for attending the last meeting of the task force. The next meeting will be Thursday, March 2.

#### **Public Hearing Update:**

- Director Gire announced that the next State Plan public hearing would be held Tuesday, February 21 at the Historic Trinity Lutheran Church in Detroit from 1:30 p.m. – 3:00 p.m. Director Gire stated there would be three (3) public hearings for the 2007-2009 State Plan in March.

### **Budget Update:**

- On Thursday, February 9, Governor Granholm released her Executive Budget Recommendation for FY 2007. Director Gire stated that she is pleased to report there are no proposed cuts in OSA's budget. Director Gire explained that in terms of the budget process, OSA's budget is a separate budget included in the larger DCH budget.

Director Gire also stated the Senate Appropriations DCH Subcommittee held its first hearing on Tuesday, February 14. Director Gire presented OSA's budget and the subcommittee started hearing public testimony. Director Gire will notify the Commission as to when the House will conduct its hearings. Director Gire stated the President's proposed FY 2007 federal budget has also been released. Director Gire included in each Commissioners packet a summary of the proposed budget for the Administration on Aging, which includes nearly \$29 million in cuts to programs supported by the Older American's Act. The proposed reductions include the elimination Title III-D, Health Promotion and the Alzheimer's Disease Demonstration grants. Director Gire suggested now may be the time for Commissioners to contact their Congressional representatives and express concern regarding the proposed cuts.

### **OSA 2005 Annual Report:**

- Director Gire stated that a copy of OSA's Annual Report for fiscal year 2005 was included in your packets. Karen Carroll from OSA will be presenting the report to you later in the morning.

Questions from Commissioners followed with Chairperson Kennedy requesting that staff draft a letter that Commission members could use as a guide when writing their Congressional representatives about the budget. Chairperson Kennedy and OSA will work on this together. Commissioner Walters supported Chairperson Kennedy's request. Commissioner Dooha asked if any explanation was given as to why some programs were cut? Director Gire responded that it was a matter of priorities and indicated that increases were proposed for some programs. Director Gire reiterated the President's proposed budget is not final.

### **BUSINESS ITEMS**

There were no business items to present at this meeting.

### **INFORMATION AND COMMENTS**

Presentation on the February 2006 meeting of the State Advisory Council (SAC)  
Presentation by Commissioner Guilfoyle

Commissioner Guilfoyle stated the SAC is continuing its work on aging and mental health issues. Commissioner Guilfoyle stated that the SAC would like to work on a new definition of recovery. Recovery is often determined by health plans and insurance companies as opposed to providers and individuals in treatment. . Commissioner Guilfoyle noted that the definition for recovery is considered 10 visits.

Chairperson Kennedy noted that one of the top 10 resolutions from the White House Conference on Aging was Resolution #36: Improve Recognition, Assessment, and Treatment of Mental Illness and Depression Among Older Americans.

Commissioner Guilfoyle stated the SAC is also looking at the role stigma plays with seniors seeking mental health services and how it can be eliminated so that more seniors seek the help they need. Commissioner Guilfoyle also provided an update on Communities for Lifetime/Elder-Friendly Communities. Commissioner Guilfoyle thanked Commission Rau for attending the SAC meeting. Commissioner Guilfoyle also stated that applications for membership on the SAC are currently being reviewed. Recommendations for SAC membership will be presented to the CSA in March or April.

Chairperson Kennedy thanked Commissioner Guilfoyle for her update and opened the floor for questions and comments. Commissioner Bollinger asked how many SAC applications were received. Chairperson Kennedy stated that OSA received 50 applications. Chairperson Kennedy thanked the Commissioners for their assistance in promoting SAC membership in their communities and networks.

#### Presentation Senate Bill 880 (Annuity Protection for Older Adults)

Presentation by Cherie Mollison, OSA staff, and Amy Tripp, Chalgian & Tripp Law Offices, PLLC

Cherie Mollison introduced Amy Tripp from Chalgian & Trip Law Offices. Ms. Mollison explained Senate Bill 880 (Regarding the Sale of Annuities to Older Adults) to the Commission. Ms. Mollison stated the bill was introduced November 9, 2005 and approved by the Senate on February 9, 2006. Senate Bill 880 specifies requirements, actions and considerations on the sale of annuities to senior consumers, age 65 and better. Ms. Mollison gave a brief summary of what an annuity is. Ms. Mollison also stated that you may find Senate Bill 880 on the following website: [www.legislature.mi.gov](http://www.legislature.mi.gov).

Ms. Mollison stated that OSA supports Senate Bill 880 as it represents a good beginning although two amendments would enhance the proposed protections. The first amendment would be to require the provision of a written disclosure statement to senior consumers. The second amendment would be a required 30-day cancellation period.

Ms. Mollison turned the presentation over to Ms. Tripp to speak to the Commission in regards to her experience with annuities in her law practice. Ms. Tripp stated that as an elder law advocate she has dealt with a lot of abuse in the annuity market. Ms. Tripp noted that annuities are not all bad. Ms. Tripp reviewed the different types of annuities and which types she has found to be better than others for seniors. Ms. Tripp told that in many cases the older adults do not see the contract until after a purchase has been made, but what they do see is an application. Ms. Tripp stated that applications might not contain the terms of the contract. Ms. Tripp stated that most contracts are anywhere from 2 pages up to 25 pages with a font size of 10, which for most seniors is too small to read. Ms. Tripp recommended that anyone buying annuities review and understand all the terms of the contract before signing that contract.

Discussion followed with Chairperson Kennedy wanting to see the amendments more clearly defined for easier understanding by older adults. Commissioner Guilfoyle stated that it is important to spell out exactly is wanted and to present all information in a font size that is appropriate to the reader. Ms. Mollison stated that OSA would rewrite the amendments to be more specific and bring it back to the Commission for review. Commissioner Walters asked Ms.

Tripp as to what would be the estimated cost of having an attorney review the contracts. Ms. Tripp stated the cost might not be the problem as much as the lack of understanding and knowledge of banks, financial institutions and attorneys about annuities. As a result, an attorney review of the contract may or may not provide confidence. Commissioner Walters feels that most problems with annuities occur with those sales made in-home. Director Gire thanked Commissioners for being very good advocates, but stated that Office of Financial and Insurance Services (OFIS), has been designated as the lead agency for this proposed legislation. As a result, OSA must work through that organization to advocate for changes to the legislation. However, the Commission can communicate their concerns directly to OFIS. Director Gire stated that even though Senate Bill 880 has already passed in the Senate, OFIS might still be able to work with the House to include the suggested amendments. Director Gire indicated that OSA would continue to work with OFIS to strengthen the afforded protections.

Commissioner Dooha would like to see a list of questions that older adults could use to help guide them through the process of purchasing annuities. Commissioner Verma the effective date of the legislation if passed and whether or not the protections offered would be retroactive. Ms. Tripp stated the legislation, if passed, would only affect the sale of future purchases. Commissioner Bollinger stated that she would like to see more training for older adults, and the sellers of annuities as well.

A motion was made by Commissioner Wilson to support OSA and OFIS for the two legislative amendments proposed by OSA regarding Senate Bill 880, by way of a letter, and seconded by Commissioner Bollinger. Approved by unanimous voice vote.

#### Presentation of the 2005 Annual Report

Karen Carroll, OSA staff gave a brief summary of the annual report and stated the report covers the activities of OSA from October 1, 2004 through September 30, 2005. Ms. Carroll noted that the annual report is required by the Old Michiganians Act and is one of two reports OSA publishes each year. Ms. Carroll stated the annual report must be submitted to the Governor and Legislature by January 31 of each year.

Discussion followed with Commissioner Verma thanking the staff at OSA for their work in serving older adults. (Referring to the table on page 8 of the annual report) Commissioner Verma asked for additional information regarding the Asian/Pacific Islander clients served through the aging network.

#### FY 2006 Communications Strategy

Karen Carroll, OSA staff presented to the Commission an overview of the FY 2006 communications strategy for OSA. Ms. Carroll asked that if Commissioner know of or belong to organizations or groups that would like to have Director Gire speak at, please let her know. Ms. Carroll stated that OSA is working on informing the public on what OSA does and to learn more about what seniors in Michigan need.

#### Proposed Revisions to Statewide Operating Standards for Area Agencies on Aging and Service Programs

Eric Berke, OSA staff, presented the proposed revisions to the Statewide Service and AAA Operating Standards to the Commission for their review and comment. Mr. Berke indicated that OSA would be seeking approval of the revisions at the March meeting of the CSA. Mr. Berke encouraged Commissioners to contact him if they have questions or concerns regarding any of the proposed changes.

### Elder Abuse Task Force

Wendi Middleton, OSA staff, presented an update on the Elder Abuse Task Force. Ms. Middleton stated the next meeting of the task force would be March 2 in Livonia. Ms. Middleton also stated that draft recommendations from the task force are expected in April. Three public hearings are also being scheduled for the public to respond to these draft recommendations. The final task force report is due to the Governor by May 31

### Medicare Prescription Drug Benefit Program Update

Director Gire announced that due to time this presentation would be held at a future meeting.

## **ANNOUNCEMENTS**

Chairperson Kennedy announced that the Michigan League of Human Services is having their annual public forum on February 27, 2006 at 10:00 a.m. at the Lansing Center.

Michigan's Long-Term Care Conference will be held on March 23 and 24 at the Hilton Detroit in Troy.

A copy of the January 2006 corrective action plan progress report from The Senior Alliance was included in Commissioner packets.

The next meeting of the Commission on Services to the Aging is scheduled for 10:00 a.m. on March 17, 2006 at ACCESS in Dearborn, Michigan in conjunction with a State Plan public hearing, which will be held from 1:30 p.m. – 3:00 p.m.

Additional public hearings have been scheduled for March 21 in Kalamazoo and March 29 in Flint. All hearings are scheduled to take place from 1:30 – 3:00 p.m.

The next meeting of the State Advisory Council will be held on March 16, 2006, at 9:30 a.m. at the Holiday Inn West Conference Center, Lansing, Michigan.

Chairperson Kennedy asked for a Commissioner to volunteer to attend the State Advisory Council meeting and Commissioner Walters volunteered to attend.

### **Adjourn**

A motion to adjourn was made by Commissioner Verma and seconded by Commissioner Walters. Chairperson Kennedy adjourned the meeting at 12:05 p.m.